THE BRITISH STATUTES (REPEAL) BILL, 2003

THE DEPUTY CHAIRMAN: Now, we shall take up the British Statutes (Repeal) Bill, 2003. Shri Arun Jaitley.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY): Madam, I beg to move:

> "That the Bill to repeal the British Law Ascertainment Act, 1859, the Foreign Law Ascertainment Act, 1861, the Colonial Probates Act, 1892, in so far as they apply to India, and the India (Consequential Provision) Act, 1949, be taken into consideration."

Madam, this Bill seeks to repeal three pieces of legislations, namely, the British Law Ascertainment Act, 1859, the Foreign Law Ascertainment Act, 1861 and the Colonial Probates Act, 1892, in so far as they apply to India, and the India (Consequential Provision) Act, 1949. The first two laws, that is, the British Law Ascertainment Act, 1859 and the Foreign Law Ascertainment Act, 1861, were legislations which applied to States within the British dominion where there was a procedure for ascertaining the law of any other country and an application had to be moved before the superior court of that country to ascertain what the law in that country was. These laws had been framed in the 19th century. But, today, under our law, we can take judicial notice under the Evidence Act applicable to other countries. These laws are not being used at all. Therefore, the recommendation of the P.C. Jain Committee was that these laws could be repealed. The Colonial Probates Act, 1892, in so far as it applied to India, had some reciprocity with regard to probate matters. This law has also become inoperative and it is not being used. The India (Consequential Provision) Act, 1949, in effect, provided--this was a pre-Constitutional legislation--that all pre-independence legislations would be adopted post-independence also. But this is now provided by article 372 of the Indian Constitution and this law has also become irrelevant and anachronic. Therefore, all these four laws require to be repealed. I request the hon. House to approve this Bill.

The question was proposed.

THE DEPUTY CHAIRMAN: As the Bill is very understandable, there is no opposition to it, for the first time.

SHRI SHANKAR ROY CHOWDHURY (West Bengal): Madam, may I put a question, through you, to the hon. Minister?

THE DEPUTY CHAIRMAN: Yes, you can put your question.

SHRI SHANKAR ROY CHOWDHURY: Madam, this Repeal Bill requires to be done away with. The P.C. Jain Committee must have recommended a large number of such laws. It is a point of information only. If the Minister can kindly give this information, let him give. How many such laws, which have got to be scrapped, are pending? What progress have you made? Is it possible to give the information?

THE DEPUTY CHAIRMAN: I remember the Minister had said that there were about 300 or 400 such laws. I don't know how many are there.

SHRI ARUN JAITLEY: There were several laws that the P.C. Jain Committee had recommended for repeal. The exact number of Central legislations was 1382. These legislations relate to various Departments of the Government. They also relate to several State Governments. The entire process of exercise is on with regard to repealing them. For instance, we had a large repealing and amendment Act, 2001 by which in one day we repealed 315 of them. There were 11 similar British Statutes. We have repealed some of them and four of them we are repealing today. In the case of some legislations, the consultation process is going on. In the case of some legislations, the State Governments said that they were not required to be repealed. Consultation process is on. I have a detailed list of those legislations which have already been repealed. For instance, 12 such laws were applicable to the High Courts. So we had repealed them last year. There were 12 personal laws. They were repealed separately. We have already repealed a few of them. In the case of some legislations, the consultation process is going on.

THE DEPUTY CHAIRMAN: I remember in one sitting in the House we repealed a large number of them.

SHRI ARUN JAITLEY: Once we did repeal nearly 2000 laws which were amending laws because once the amending Bill puts amendment into the main Act, the main Act remains and the amendment Act also remains. So we repealed all of them. They were 2000 in number.

SHRI KAPIL SIBAL (Bihar): Madam, I would like to say one thing in a lighter vein. I think with the complexity of laws in this country, i.e. State

laws, local laws and national laws, we might need an Indian Law Ascertainment Act, 2004 for the ordinary citizen to ascertain what the law is. Maybe, the Minister would like to consider that.

THE DEPUTY CHAIRMAN: Not only to ascertain but also to identify under which law I am convicted. One does not know under which law I am protected. The question is:

> "That the Bill to repeal the British Law Ascertainment Act, 1859, the Foreign Law Ascertainment Act, 1861, the Colonial Probates Act, 1892, in so far as they apply to India, and the Indian (Consequential Provision) Act, 1949, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: I shall now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI ARUN JAITLEY: Madam, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Now there is no business left. The House is adjourned till 11 a.m. tomorrow.

The House then adjourned at nineteen minutes past three of the clock till eleven of the clock on Tuesday, the 9th December, 2003.